

THE JACOBS REPORT

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LEWD BEHAVIOR BILLS WROUGHT WITH PROBLEMS

The House Judiciary Committee tabled a package of bills that would, among other things, list persons convicted of loosely defined “lewd and lascivious conduct” on the state’s sex offender registry.

The bills (HB 4597, HB 4598 and HB 4599), all sponsored by freshman Republicans, were tabled for their vague wording. For example, the legislation centers on punishing people for “lewd and lascivious conduct,” but there is no definition of what “lewd and lascivious” means.

Rep. Paul Condino (D-Southfield) pointed out that the legislation is likely unconstitutional since the terms were not clearly defined.

“It doesn’t give definition as to what actions you’re trying to protect,” Rep. Condino said. “The United States Supreme Court and Michigan Supreme Court made it clear we’re to give a clear definition so we don’t entangle innocent people into a statute.”

Committee Chair William Van Regenmorter (R-Hudsonville) said that his committee will be open to discuss definitions for those terms in upcoming weeks.

The committee did not vote on the “lewd and lascivious” package, but it did entertain HB 4721, sponsored by Rep. Barb VanderVeen (R-Allendale). The bill, which would let people request and receive e-mail notification when a registered sex offender moves into their zip code, failed to pass. Eight representatives abstained while only seven voted yes on the bill.

The representatives who abstained questioned if the project was feasible and practical. There are 14,000 people in the sex offender registry, and the current computer that handles sex offender data does not have e-mail capability.

SENATE PASSES VIOLENT VIDEO GAME PACKAGE

The Senate approved a package of bills to outlaw “ultra-violent explicit” video games to minors.

Governor Jennifer Granholm, who highlighted this legislation during her February State of the State message, praised the Senate action as a “mother of three and governor to 3 million” children.

The governor urged the House to join in passing the Senate package.

The Senate package - SB 416, SB 249, SB 463 and SB 464 - make it illegal for a person to pretend to be the parent of a minor in order to obtain the games. The fines for violating range from a civil offense punishable by a \$5,000 fine for the first offense to a two-year felony for the third offense with fines of up to \$40,000.

The package also sets a special fine for a manager of a store that rents or sells videos to a minor if the youth is not in the presence of his or her parents. That penalty could be fines of up to \$25,000 in addition to jail time.

SB 249 in addition defines violent video games as depicting human on human violence in which a person kills or seriously injures a character with substantially human characteristics, and lacks serious artistic, literary, political or scientific value.

The legislative package does not apply to communications networks regulated by the Federal Communications Commission, including cable television and the Internet, nor does it prevent a parent or guardian from obtaining games and giving them to their children.

SB 416 passed 35-2, SB 249 passed 33-4, and SB 463 and SB 464 both passed unanimously.

Sen. Liz Brater (D-Ann Arbor) said she could not support the main bills out of concern they would become content-based bills and as such unconstitutional.

In her no vote explanation, Brater said by restricting the sale of these video games, courts would see it as a content-based regulation of freedom of speech and overturn it. Senate Minority Leader Bob Emerson (D-Flint) joined Brater in voting no on SB 0416. Sen. Bruce Patterson (R-Canton) and Sen. Buzz Thomas (D-Detroit) joined them on SB 0249.

APRIL REVENUE REPORT MIXED

According to the Senate Fiscal Agency, the revenue collected from Michigan's major General Fund and School Aid Fund earmarked taxes totaled \$1.6 billion in April, which was down 1.4% from last year's level.

The good news in April was that annual income tax payments were much stronger than was expected and income tax withholding payments topped the year-ago level for the first time in three months.

The bad news was that these gains were more than offset by declines in the amount collected from some of the other major taxes, including the sales, use, single business, and insurance taxes. General Fund tax collections were up slightly in April due primarily to the boost in income tax annual payments, and School Aid Fund tax receipts were down slightly due primarily to the decline in sales tax revenue. April marks the halfway point for fiscal year tax collections, and so far in FY 2004-05, the major taxes have generated \$8.9 billion, which is up 3.2% from the year-ago level. Based on the monthly breakdown of the January consensus revenue estimates, tax collections to date are running close to the estimated level.

Net income tax collections (gross collections less refunds) totaled \$630.9 million in April, which was up 9.1% from last year's level. Gross income tax collections (withholding, quarterly, and annual payments) increased 6.9%.

All Michigan legislation can be tracked at <http://www.legislature.michigan.gov/> .

State Senator Gilda Jacobs represents the 14th Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

Constituents of the 14th District may contact Senator Jacobs at sengjacobs@senate.michigan.gov or toll-free at 1-888-937-4453.

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